

Referred to Finance Committee.

The Senate then adjourned until tomorrow 10 o'clock A. M.

Wednesday, February 18, 1863

10 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee, on behalf of that Committee reported the following bills and recommended their passage.

A Bill in relation to judicial proceedings in counties in possession of or endangered by the public enemy.

A Bill to prescribe the residence of County Surveyors.

A Bill to amend the 19th, 20th, and 47th sections of an Act to regulate proceedings in the County Courts pertaining to estates of deceased persons approved March 20, 1848.

A Bill to release the heirs of Colonel B. F. Terry all the right title and interest of the State of Texas in and to the property owned by said Terry at the time of his death and devised by his last will. Also the following bills with a recommendation that they do not pass.

A Bill to amend the 1st Section of an act passed 1st day of January, 1862 suspending all laws for the collection of debts.

A Bill to amend the 585th Article of the Code of Criminal Procedure.

A Bill supplemental to the 9th Section of an Act regulating estates of deceased persons approved March 20, 1848, and the following bill with amendments recommending their adoption and the passage of the bill to wit: Bill to suspend all statutes of limitation on civil rights of action of every kind whether real or personal until one year after the close of the war between the United States and the Confederate States.

Amendments: After the words "United States" in Section 2, insert "Provided that the limitation upon all rights of action for injuries done to the person of another as of assault, battery, wounding, or imprisonment, and for injuries done the character or reputation of another as of libel or slander shall not be suspended by the provisions of the act . . .

Mr. Hartley, Chairman of Committee on State Affairs, on behalf of that Committee reported the following bills and recommended their passage:

A bill to suspend the operation of the estray laws during the existence of the present war and for six months after its termination except in certain cases.

A Joint Resolution in relation to the indebtedness of the Confederate States.

Mr. Batte, Chairman of Committee on Agriculture, on behalf of that Committee reported a bill to regulate stock breeding and asked to be discharged from its further consideration.

Mr. Casey, Chairman of the Committee on Military Affairs, on behalf of that Committee reported as a substitute for the several resolutions, bills, and matter referred to them. A Bill for the organization of the State Troops and prescribing who shall be liable to Militia duty.

Mr. Parsons, Chairman of Committee on Internal Improvements, reported on behalf of that Committee a Bill to revive and continue in force an act to incorporate the Galveston and Houston Junction Rail Road Company approved April 8, 1861, and to amend the same and recommend its passage.

Mr. Maxey, one of the Committee on State Affairs, on behalf of said Committee reported a substitute for the following bills which had been referred to them:

Bill to put down speculation and extortion and to secure the resources of the country for the support of our armies and the families of our soldiers by regulating the price of certain articles therein named.

Bill to punish extortion.

Bill to regulate the prices of articles of prime necessity, and

Bill to authorize the County Courts of the State to establish a tariff of prices.

Mr. Ford, Chairman of select committee made the following report:

"The special committee to whom was referred Joint Resolutions expressive of the sense of the Legislature in relation to the ultimate redemption of the Confederate notes together with the amendments proposed have had the same under consideration and I am directed by a majority

of the Committee to report that the measure proposed in the resolutions is likely to prove one of vital importance in the future administration of the Government and to which the State should not hastily or indiscreetly be committed but which should be done if at all only after natural deliberation and investigation which for want of time and facilities cannot at this time be had. It is not conceived that there is any pressing necessity for **immediate** action upon the proposition contained in the resolutions and without expressing any opinion upon its merits, it is recommended that the Senate take no action upon the resolutions at this time."

Mr. Hord introduced a joint resolution in regard to trade. Read 1st and 2nd times and referred to Committee on State Affairs.

Mr. Hord also introduced a Bill to punish certain persons for unlawful seizures of wagons, teams, etc. Read 1st and 2nd times and referred to Judiciary Committee.

A message was received from the House informing the Senate that the House had passed Senate's Joint Resolution returning thanks to our officers and soldiers in the army of the Confederate States. Also that the body had concurred in the action of the Senate on the resolution relative to the investigation of the Penitentiary by the Joint Committee for that purpose that Messrs. Potter, Charlton, Mather, Rhea, and Marshall had been appointed Committee on the part of the House to inquire into the expedience of establishing in connection with the Penitentiary machinery for the purpose of making spinning jennies and that Messrs. Flewellen, Foote, and Cone were appointed a committee on the flags of 4th and 5th Texas, etc., etc. That the House had passed the following bills:

A Bill to attach Kendall County to the 4th Judiciary District and providing for the time of holding the Courts in said District. A Bill to regulate the sale of beef cattle and to require butchers to keep and return lists of the cattle slaughtered by them and to prevent the sale of calves for slaughter without branding. A Joint Resolution tendering thanks to General Magruder's officers and men. Also transmitting a message from the Governor as follows:

Executive Department<sup>9</sup>

Austin, February 17th, 1863

Gentlemen of the Senate and  
House of Representatives

I have the honor to lay before you a communication received from his Excellency the President of the Confederate States.

Let me beg of you to give that consideration to the Paper which its magnitude would appear to merit.

I am, Yours Very Respectfully,

F. R. Lubbock

which on motion was read and referred to Committee on State Affairs.

Mr. Guinn offered the following: "**Resolved**, That the Treasurer be required to furnish the Senate with a statement of the funds in the Treasury and what kind of funds, what amount thereof is subject to appropriation and that the Comptroller furnish an estimate of the amount likely to accrue from all sources for the present year 1863." Adopted.

Mr. Ford offered the following: "**Resolved**, That the Committee on Military Affairs be instructed to inquire into the expediency of establishing a state armory for the manufacture of small arms and report by bill or otherwise." Adopted.

### ORDERS OF THE DAY

A joint resolution approving the President's proclamation of December 23, 1862. Read 3rd time. Mr. Quayle moved to strike out 2nd resolution. Carried. Mr. Hartley moved to amend as follows: "2nd That the Governor be requested to forward a copy of this resolution to the President of the Confederate States." Adopted. Mr. Shepard moved to insert the word "cordially" before the word "approve." Adopted. The bill was then passed.<sup>10</sup>

A bill to amend an act to define and punish sedition and to prevent the dangers which may arise from persons

<sup>9</sup> Taken from Executive Record Book No. 82, 1861-1862, p. 41 (Archives Division, Texas State Library). The nature of Jefferson Davis' letter cannot be ascertained and therefore cannot be inserted.

<sup>10</sup> This resolution approves Jefferson Davis' Proclamation concerning the condemning of Major General Ben F. Butler. See Hudson Strode, *Jefferson Davis: Confederate President* (New York: Harcourt, Brace and Company, 1959), 353; and *Journal of the Congress of the Confederate States of America* (7 vols; Washington: Government Printing Office, 1904), III, 13.

disaffected to the state approved January 13, 1862. Read 2nd time.

Mr. Harcourt moved to amend by striking out all after the words "service of this state" and insert "or shall by words or actions stir up a spirit of discontent and insubordination among the people or attempt to impede the action of the Military authorities." Mr. Hartley moved to rerefer the bill and Amendments to Judiciary Committee. Lost. Mr. Weatherford moved to reconsider. Carried. The question was then taken on Mr. Hartley's motion to rerefer and carried.

Mr. Harcourt offered the following: "**Resolved**, That the Secretary of the Senate is instructed to subscribe for one hundred copies of the *Texas Almanac Extra* during the session of the Legislature for the use of the Senate, provided a synopsis of all the proceedings of this legislature be published therein." Adopted.

A bill appropriating \$200,000 for the relief of our sick and wounded soldiers in the Confederate States Army on report of Committee on State Affairs reporting substitute therefor. Read 2nd time. Substitute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

On motion the Secretary was instructed to request of the House that they transmit to the Senate the documents accompanying the Governor's message.

The Senate then adjourned until 9 o'clock A. M. tomorrow.

Thursday, February 19, 1863

9 o'clock A. M.

Senate met, prayer by the Chaplain, roll called, quorum present. The journal of yesterday was read and adopted.

Mr. Burney, Chairman of Committee on Public Lands, on behalf of that Committee reported recommending the passage of a bill to repeal an act to amend the 1st and 11th sections of an act to authorize the sale of the public domain approved February 11, 1858, approved January 1, 1862 with the following amendment: At the end of caption add "and to suspend the operation of all laws authorizing the sale of alternate sections of land surveyed or reserved to the State or of other reservations." Amend the 1st section by striking out all after the word "repealed" in 5th line to end of